

Danial Laird
Nevada Bar #11831
dan@lairdlaw.com
Jamal K. Alsaffar, *pro hac vice*
Texas Bar #24027193
jalsaffar@nationaltriallaw.com
Tom Jacob, *pro hac vice*
Texas Bar #24069981
tjacob@nationaltriallaw.com
7500 Rialto Blvd
Bldg. Two, Ste. 250
Austin, Texas 78735
Attorneys for the Plaintiffs

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

**BLAKE and JENNA
MILLER**, Individually and on
Behalf of **C.M.**, a Minor Child,

Plaintiffs

v.

**UNITED STATES OF
AMERICA**,

Defendant

Case Number
2:19-cv-01293-APG-VCF

**STIPULATION AND
ORDER TO AMEND
DISCOVERY PLAN &
EXTEND DEADLINES**

(Third Request)

1 Under Local Rule 26-4 and IA 6-1, Plaintiffs and Defendant submit the follow-
2 ing Stipulation to Extend Certain Deadlines by 30 days. This is the third request.

3
4 **A. Discovery Completed**

- 1 1. The Parties have exchanged Rule 26(a) disclosures and multiple sup-
2 plements.
- 3 2. The Parties have served and responded to written discovery (Request
4 for Production, Interrogatories, and Request for Admissions).
- 5 3. The United States has subpoenaed and received Plaintiffs' medical rec-
6 ords from all known providers.
- 7 4. The United States has completed its medical examination of the in-
8 jured minor child, C.M.
- 9 5. Plaintiffs completed the depositions of three treating healthcare pro-
10 viders.

11 **B. Need for Discovery Extension**

12 The retained expert designation is currently set for **August 17, 2020**. The Par-
13 ties are jointly requesting a thirty-day extension to the expert discovery deadline to
14 **September 17, 2020** which in turn will require a thirty extension for the remain-
15 ing deadlines.

16 The Parties believe good cause exists for the following reasons: Due to the
17 COVID-19 pandemic, the parties could not schedule the remote depositions of three
18 key treating healthcare providers until July 28, August 7, and August 13, 2020, re-
19 spectively. All three were former United States employees and involved in the care
20 that forms the basis of the suit. But they have since departed the United States' em-
21 ploy, live in three different states, and coordination of their remote depositions

1 along with technology logistics required some time to schedule and complete. Coun-
2 sel for Plaintiffs and Defendant were diligent in navigating these difficulties in or-
3 der to schedule and complete these depositions as soon as practicable.

4 Because the depositions were just completed (August 13th), the Parties have not
5 received the transcripts to provide their experts for review. The experts for both
6 Parties will then need time to review the transcripts prior to submission of their re-
7 ports.

8 The Parties agree that a thirty-day extension of the current expert deadline
9 should provide sufficient time for the experts to review the recently completed depo-
10 sitions and provide their reports.

11 **C. Proposed New Discovery Schedule**

- 12 1. **Discovery Cutoff date:** The current date is October 27, 2020 and will
13 be extended to **November 27, 2020**.
- 14 2. **Interim Status Report:** The interim status report currently sched-
15 uled for August 17, 2020, will be continue to **September 27, 2020**,
16 which is 60 days prior to the discovery cutoff.
- 17 3. **Expert Disclosures:** Expert disclosures currently due August 17,
18 2020, will be continued to **September 17, 2020**. Rebuttal expert dis-
19 closures currently due September 17, 2020 will be continued to **Octo-**
20 **ber 19, 2020**.

5. **Pretrial Order:** A Joint Pretrial Order shall be filed by **January 18, 2021**, which is 30 days following the dispositive motion deadline. However, if any dispositive motions are filed, the the Joint Pretrial Order shall be due thirty days after decision on such motion(s). Disclosures under Fed R. Civ. P. 26(a)(3) and any objections to them shall be included in the Joint Pretrial Order.

Whitehurst, Harkness, Brees, Cheng, NICHOLAS A. TRUTANICH
 Alsaffar, Higginbotham, & Jacob, PLLC United States Attorney

/s/ Brianna Smith
Brianna Smith
Assistant United States Attorney
Attorney for the United States

Carla Fiedler

DATED: 8-17-2020